

PROTOCOL

Interim Regulation Committee - Working Arrangements for the Committee, the Housing Agency and the Department

1. Introduction

This protocol establishes terms for how the functions and duties of the Interim Regulation Committee will be exercised within the Housing Agency. It sets out the general requirements of the Housing Agency and its staff and also the relationship and role of the Department of Environment, Community and Local Government (DECLG). The operation of this protocol will be reviewed periodically and revised as necessary.

2. Background and Purpose of the Protocol

It is intended that this protocol will provide clarity over the roles and relationships of the Interim Regulation Committee, The Housing Agency Board, the staff of the Housing Agency and the Department.

- The Housing Agency has been given responsibility for managing the Voluntary Regulation Code by the DECLG. The code has been introduced on a voluntary basis and is not underpinned by legislation. However there may be requirements for Approved Housing Bodies to sign up to the code in order to access certain forms of either state or private finance. Once a body signs up to the code they are agreeing to comply with the code.
- The Minister has established an Interim Regulation Committee within the Housing Agency. The Interim Regulation Committee will exclusively operate the regulation functions having regard to the voluntary regulation code and the terms of reference of the committee.
- The Housing Agency will operate the regulatory functions only where it has been given the delegation from the Interim Regulation Committee.
- The Housing Agency Board and its Chief Executive Office must be satisfied that these arrangements are operating properly in order to ensure that it is able to manage and be accountable for all of its operations.

3. Procedures in respect of the operation of the regulation function

- The Interim Regulation Committee may set its own procedures in relation to its regulation function.
- The Interim Regulation Committee may agree a scheme of delegations in relation to the exercise of its regulation functions. This will outline the responsibilities of the Committee itself in terms of exercise of powers and provide that all other powers will be exercised by officers of the Housing Agency through the Head of Regulation. The delegations will be submitted to Housing Agency board for their information but will not be subject to agreement by Housing Agency Board.
- All other housing functions will remain the responsibility of the Housing Agency board.
- The Housing Agency Chief Executive will be responsible for the performance of Housing Agency staff in exercising regulation functions.

4. Role and objectives of the Interim Regulation Committee

- The Interim Regulation Committee is responsible for the implementing and overseeing the management of the voluntary regulation Code for Approved Housing Bodies within the Housing Agency, as per the Terms of Reference drafted by DECLG (see Appendix 1).
- The Interim Regulation Committee and the Head of Regulation, in furtherance of the Regulator's fundamental objectives within the terms of reference, will also seek to identify and realise the benefits of opportunities to work with the Supply section and other functions of the Housing Agency, particularly around the economics of social housing supply, subject to the overriding requirement to exercise regulation functions independently.

5. Role of the Housing Agency Board

With specific regard to regulation, the role of the Housing Agency Board will be to:

- Provide resources to enable the Committee to carry out its regulation functions
- Ensuring a process for receiving regular updates from the Interim Regulation Committee on the regulation function

6. Role of the Housing Agency Chief Executive

The Chief Executive is responsible for leadership and direction of all the executive functions of the Housing Agency.

In terms of accountability, the Chief Executive, is responsible across the Housing Agency as a whole for ensuring:

- regulatory compliance and propriety;
- value for money; and
- accounting accurately for the organisation's financial position and transactions.

7. Role of the Head of Regulation

The Head of Regulation will:

- be the senior Housing Agency officer responsible for management of the regulation functions for which the Interim Regulation Committee is ultimately responsible and will report to the Committee.
- Exercise regulation functions in terms set out in the procedure to be determined by the Interim Regulation Committee.
- Be a member of the Housing Agency's management team.
- Identify the resources and corporate support required by the Interim Regulation Committee to enable the Committee to carry out its functions and reflect these in the operational planning process

8. Interim Regulation Committee and the Housing Agency Chief Executive

- The Chief Executive may attend meetings of the Interim Regulation Committee.
- Day to day management of the interface between regulation functions and the wider corporate and supply functions of the Housing Agency will be the responsibility of the Head of Regulation and the Chief Executive (delegating to other staff as appropriate) and the management team.
- The Chief Executive, will be responsible for resources and structure of the regulatory function, ensuring appropriate day to day support and delegating specific functions to the Head of Regulation as appropriate for a member of the Housing Agency management team.

9. Relationship of the Interim Regulation Committee to the Housing Agency Board

- The Interim Regulation Committee will be responsible for ensuring that it has effective arrangements for regularly informing the Housing Agency Board of how it is carrying out its functions.
- The Interim Regulation Committee can direct the head of regulation to report on regulatory matters to the Housing Agency Board, to ensure the Board is apprised of strategic regulatory issues and decisions which have implications for Housing Agency's wider statutory functions and duties.
- The Interim Regulation Committee Chair in consultation with the Head of Regulation will, when exercising regulatory functions, act so as to ensure that both the Chair of Housing Agency and the Chief Executive Officer are made aware of significant regulatory matters at the earliest opportunity.

10. Relationship to DECLG and Minister

- The Minister and the DECLG will retain responsibility for the approval of bodies which wish to establish themselves as an Approved Housing Body under section 6 of the 1992 Housing Act. This includes the power to amend the terms of such approval or to withdraw such approval.
- Where the Minister approves or amends an approval, the DECLG shall notify the Interim Regulation Committee.
- The Interim Regulation Committee will be responsible for bringing significant non-compliance issues to the attention of the Minister.
- The Interim Regulation Committee may advise the Minister on the development of a statutory regulatory framework, having regard to experience gained from overseeing the implementation of the VRC.

11. Sharing Information and Data

The regulation and supply functions of the Housing Agency rely for their effectiveness on, among other things, a range of information and knowledge which is obtained from a variety of sources including from Approved Housing Bodies. Some of this information and knowledge is in the public domain. Other information and knowledge are provided specifically for regulatory or supply purposes and/or are supplied on the basis that they are provided only for a specified purpose and/or that they are commercially sensitive or confidential for other reasons.

Where, the CEO or a Senior Executive Officer from elsewhere in the organisation has a concern regarding an Approved Housing Body, he/she may notify the Regulation Office of this concern.

Regulatory Duties and Functions

DECLG	Housing Agency Board	Housing Agency CEO	Regulation Committee	Housing Agency (The Regulator)
<ul style="list-style-type: none"> • Approval of new bodies • Policy and legislation 	<ul style="list-style-type: none"> • Resourcing • Budget • Advised of any liabilities arising from action taken under the regulatory functions 	<ul style="list-style-type: none"> • Performance of Housing Agency staff • Value for money • Account for organisation's financial position 	<ul style="list-style-type: none"> • Oversight of introduction of voluntary regulation • Decision maker regarding recommendations • Oversees any necessary actions taken 	<ul style="list-style-type: none"> • Administration and organisation of Reg. Committee meetings • Management of submissions re. the Charter of Commitments • Assessment of Annual reports and accounts

APPENDIX 1

Terms of Reference

interim Regulatory Committee for the Approved Housing Body Sector

The interim Regulatory Committee for the Approved Housing Body Sector is a non-statutory, *ad hoc*, committee established by the Minister of State with responsibility for Housing and Planning to oversee the implementation of Building for the Future, the Voluntary Regulation Code (as amended) for the sector and to advise on the development of statutory regulation and with the following terms of reference:

1. to oversee the assessment of participating Approved Housing Bodies (AHBs) in respect of their financial viability, governance, management and that they are otherwise in compliance with the Voluntary Regulation Code (VRC);
2. to provide advice and recommendations on:
 - the content and requirements of the VRC;
 - the monitoring of and the implementation of the VRC;
 - the appropriate reporting structures for AHBs under the VRC.
3. to provide guidance to participating AHBs, as appropriate, to assist in the attainment of compliance;
4. to bring significant non-compliance issues to the attention of the Minister;
5. to advise the Minister on the development of a statutory regulatory framework, having regard to other relevant regulatory regimes and to experience gained from overseeing the implementation of the VRC.